

**CAPE Executive Committee  
Minutes of January 28, 2009  
CAPE National Office  
Boardroom  
5:45 p.m.**

**Present:** C. Poirier (Chair), B. Gauvin, J. Horvath, M. Mascaro, L. Perrin, A. Picotte, S. Spak (teleconference) C. Danik, J. Ouellette, D. Martin.

**Apologies:** C. Lakaski, R. McVicar.

**Guests:** C. Therrien, S. McGuire.

**1 a) Approval of agenda**

M. Mascaro requested to add under Substantive Issues for Discussion - Establishing a local in central agencies as item 2 K and Dispute Resolution Mechanism as item 2 L.

It was agreed to move item 4 a – NEC vacant positions as item 1 g).

C. Danik also mentioned that he had to depart at 8:00 p.m. and therefore would present Item 4 b) prior to his departure.

**Motion:** It was moved by A. Picotte, seconded by L. Perrin, that the agenda be approved as amended. **Motion carried.**

**1 b) In Camera minutes of November 4, 2008**

**Motion:** It was moved by L. Perrin, seconded by A. Picotte, that the minutes be approved. **Motion carried unanimously.**

**1 c) Minutes of November 19, 2008**

It was noted that under item 1 e) Request for Management Leave by the President in the second paragraph it should state the type of leave which was being requested.

Under item 2 c) – Business Luncheons – the following words should be added at the end of the first sentence “to any persons outside of the NEC”.

Under item 3 a) Hiring an In House legal advisor the following words “management prepare a report for the next meeting of the NEC on hiring a” should replace “the National Office staff do a cost benefit of” for clarity purposes.

**Motion:** It was moved by A. Picotte, seconded by M. Mascaro, that the minutes be approved as amended. **Motion carried unanimously.**

#### **1 d) In Camera minutes of November 19, 2008**

**Motion:** It was moved by A. Picotte, seconded by M. Mascaro, that the minutes be approved. **Motion carried unanimously.**

#### **1 e) In Camera minutes of December 19, 2008**

**Motion:** It was moved by M. Mascaro, seconded by A. Picotte, that the minutes be approved. **Motion carried unanimously.**

#### **1 f) Employee Staff Union (ESU) observer at NEC meeting**

Although the NEC appreciates the interest of ESU to attend the NEC meetings as an observer the NEC feels that it would not be necessary to have a representative attend every meeting. The NEC will ensure to extend an invitation to ESU for any matters that pertain to the employees or for any issues that would have an impact on their working conditions.

**Action:** C. Danik volunteered to relay this decision to the President of ESU.

#### **1 g) Vacant NEC positions**

There was a lengthy discussion on how to fill the six EC vacant positions as there were 14 volunteers. There was discussion also about the process and how to fill the vacant TR and LOP positions also.

**Motion:** It was moved by A. Picotte, seconded by B. Gauvin, to postpone naming candidates this evening and to establish a three person sub-committee to define the selection criteria and the procedure to fill all vacant positions on the NEC. **Motion carried unanimously.**

An open call for volunteers to form the sub-committee was made by C. Poirier.

Bonnie Gauvin, John Horvath and Maria Mascaro volunteered.

It was **agreed** that the sub-committee circulate the selection criteria and procedure to the remaining NEC members for their input/review in advance of the February 25, 2009 NEC meeting in order that a final decision can be made.

#### **2 a) Pension Appeal Update**

C. Poirier advised the NEC that a meeting was held on January 14 with the other bargaining agents in order to make a decision on what legal counsel would be hired to represent the parties. The costs would be in accordance with the NJC cost sharing formula.

**Action:** J. Ouellette advised that there would be updates posted on the website.

#### **4 b) Professional Services Report**

For reason of time, I will provide herewith an abbreviated report:

##### **EC Conversion**

Conversion is scheduled for June 22, 2009. The employer's final offer if accepted by EC members will impose a conversion with no additional funds to address long standing issues raised by representatives of ES and SI members.

##### **TR collective bargaining**

The ratification kits were sent to members on Friday January 23. The return date is February 20<sup>th</sup>. We will be preparing a Qs & As for the CAPE web site. And we will be organizing call-in forums to allow both EC and TR members to direct question to the chief negotiator. We will ask the locals to help organize the participation of groups of members.

##### **EC collective bargaining**

- The ratification kits were sent to members on Monday January 26. The return date is also February 20<sup>th</sup>.
- There is the additional issue for the EC group of how the employer has dealt with EC conversion in the final offer.
- We have received literally hundreds of calls from members with questions. There are a lot of very upset members.

##### **Charter Challenge**

- The affidavit for CAPE's charter challenge is almost completed. It is our intention to have it signed before the end of next week.
- When successful, the challenge will allow CAPE in the future to negotiate classification matters, staffing matters and pension matters.
- The association could raise and possibly address successfully at the bargaining table some of the inadequacies of the classification standard, not to mention other important issues such as the management of staffing pools.

## **2 b) President's Terms and Conditions of Office**

**Motion:** It was moved by M. Mascaro, seconded by L. Perrin, that the NEC reconsiders its decision of October 29, 2008 regarding the ensemble of the proposed constitutional amendments.

C. Poirier is excluded from voting on this motion.

In favour = 4, Opposed = 0, Abstentions = 2. **Motion Carried with a 2/3 majority.**

M. Mascaro advised the President and the management staff that this discussion now had to proceed as an In Camera session and therefore, they were asked to depart the meeting. M. Mascaro would Chair this portion of the meeting and would also act as the secretary.

### **In Camera session**

At 8:49 p.m. the meeting continued on this item **In Camera**. C. Poirier, C. Danik, J. Ouellette and D. Martin were excluded from participating in this session.

### **Adjournment**

It was moved by A. Picotte, seconded by L. Perrin, that the meeting adjourn at 9:41 p.m.

In favour = 6, Opposed = 0, Abstention = 0. **Motion carried unanimously.**